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DNR-FS-2022-11

SMALL BUSINESS COMPLIANCE GUIDE

Amendment to Subtitle 02 Fisheries Service

Regarding the Department's Regulations for Blue Crabs — Addition of Juneteenth Holiday and  
Crab Pot Set Time Clarification

COMAR 08.02.03.11 and .12

Released October 14, 2022

Updated April 24, 2023

This Guide is prepared in accordance with the requirements of State Government Article, §10-110, Annotated Code of Maryland. It is intended to help small businesses comply with the revised rules adopted in the above-referenced sections of the Code of Maryland Regulations. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small businesses, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply.

The Department will clarify or update the text of the Guide as an idea moves through the regulatory process. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services Regulatory Division:

410-260-8300

410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay

## **I. SUMMARY & FAQs**

### **What was proposed?**

The Department has proposed modifying and clarifying the commercial harvest times for blue crabs. The modification would be to include the recently recognized federal holiday Juneteenth National Independence Day. Commercial crabbers are currently allowed to begin crabbing an hour earlier than their usual start time on federal holidays in the summer months between Memorial Day and Labor Day, as well as the day immediately prior to those holidays. The holidays are named in the regulation. The modification would add the Juneteenth holiday to that list. The clarification pertains to when crab pots may be set. There is currently an allowance to set crab pots already on board a vessel for one hour after the legal harvest times, but it is not clearly stated when crab pots may be set otherwise. The clarification will explicitly state that crab pots may be set during the legal harvest times for crab pots and the one hour after the legal harvest times.

### **Why is this change necessary?**

Regarding the Juneteenth holiday, commercial crabbers are currently allowed to begin crabbing an hour earlier than their usual start time on federal holidays in the summer months between Memorial Day and Labor Day, as well as the day immediately before those holidays. The holidays are named in the regulation. Adding Juneteenth National Independence Day will maintain the intention of the regulation, as the holiday falls within that time. The purpose of allowing an extra hour in the morning on these days is to enable commercial crabbers to have extra time to crab on and immediately before summer holidays when demand for crabs is often highest. Juneteenth National Independence Day was established as a federal holiday in 2021 and will be observed annually on June 19<sup>th</sup>. Therefore, the holiday falls within the summer timeframe (Memorial Day to Labor Day) and should be included in the regulation.

Regarding the time for setting crab pots, individuals have asked for clarification on when crab pots may be set due to the current wording of the regulation. The current language allows for crabs to be removed from crab pots during the established legal crabbing times and for pots already on board the vessel to be set for one hour after the end of the legal crabbing times. The change being proposed will clarify those are the only times' crab pots may be set, which should be clearer to all affected individuals and remove any ambiguity about when crab pots may be set.

### **Who will this affect?**

The proposed regulation will directly affect commercial crabbers who crab in the Chesapeake Bay, Maryland's coastal bays of the Atlantic Ocean, and their tidal tributaries.

### **Has this change been discussed with advisory commissions?**

Yes. This change was discussed with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their October 2022 meetings.

### **What is the specific regulatory action?**

Amend Regulations .11 and .12 under COMAR 08.02.03 Blue Crabs.

## **II. RECORDKEEPING AND REPORTING REQUIREMENTS**

This proposal does not create new permits, recordkeeping, or reporting requirements.

## **III. IMPLEMENTATION DATE**

The Department anticipates that this change could be effective in the summer of 2023; however, the exact date cannot be determined. The Department will follow our normal procedures.

During the scoping process, the Department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the Department considers these comments and develops an appropriate management strategy. This idea for the proposal was scoped from October 14 — October 31, 2022.

At the conclusion of the scoping process, the Department determined that the action is necessary and appropriate. The rules will be promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly's Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal is printed by the Division of State Documents in the Maryland Register.
- A 30 day public comment period begins on the day of publication. The proposed action was printed in the Maryland Register on April 21, 2023. The comment period will close at 11:59 p.m. May 22, 2023.
- After review of the comments, the Department may adopt the changes.
- If the Department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.